

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1379 be amended to read as follows:

- 1           Page 3, between lines 34 and 35, begin a new paragraph and insert:  
2           "SECTION 4. IC 22-4-2-12 IS AMENDED TO READ AS  
3           FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. **(a) Except as**  
4           **provided in subsection (b), "base period" means the first four (4) of**  
5           **the last five (5) completed calendar quarters immediately preceding the**  
6           **first day of an individual's benefit period. ~~Provided, however, That~~**  
7           **(b) If an individual does not establish a benefit period because**  
8           **the wage requirements of IC 22-4-14-5 are not met when**  
9           **determining the base period under subsection (a), the base period**  
10           **means the most recent four (4) completed calendar quarters**  
11           **immediately preceding the first day of an individual's benefit**  
12           **period.**  
13           **(c) For a claim computed in accordance with ~~IC 1971, 22-4-22,~~**  
14           **IC 22-4-22-1, the base period shall be the base period as outlined in**  
15           **the paying state's law.**  
16           SECTION 5. IC 22-4-2-12.5 IS AMENDED TO READ AS  
17           FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12.5. Notwithstanding  
18           section 12 of this chapter, for an individual who during the "base  
19           period" as defined in that section has received worker's compensation  
20           benefits under IC 22-3-3 for a period of fifty-two (52) weeks or less,  
21           and as a result has not earned sufficient wage credits to meet the  
22           requirements of IC 22-4-14-5, "base period" means the **first most**  
23           **recent four (4) of the last five (5) completed calendar quarters**  
24           **immediately preceding the last day that the individual was able to**  
25           **work, as a result of the individual's injury."**  
26           Page 7, between lines 21 and 22, begin a new paragraph and insert:  
27           "SECTION 9. IC 22-4-3-2 IS AMENDED TO READ AS  
28           FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. An individual is  
29           "partially unemployed" when, because of lack of available work, ~~he the~~  
30           **individual** is working less than ~~his the individual's~~ normal customary  
31           full-time **or part-time** hours for ~~his the individual's~~ regular employer

1 and ~~his~~ **the individual's** remuneration is less than ~~his~~ **the individual's**  
 2 weekly benefit amount in any calendar week, but no individual shall be  
 3 deemed totally, part-totally, or partially unemployed in any week **in**  
 4 which ~~he~~ **the individual** is regularly and customarily employed  
 5 full-time **or part-time** on a straight commission basis."

6 Page 42, between lines 15 and 16, begin a new paragraph and insert:

7 "SECTION 30. IC 22-4-12-5 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) As used in this  
 9 section, the term "part-time worker" means an individual whose normal  
 10 work is in an occupation in which ~~his~~ **the individual's** services are not  
 11 required for the customary scheduled full-time hours prevailing in the  
 12 establishment in which ~~he~~ **the individual** is employed, or who, owing  
 13 to personal circumstances, does not customarily work the customary  
 14 scheduled full-time hours prevailing in the establishment in which ~~he~~  
 15 **the individual** is employed.

16 (b) The board may prescribe rules applicable to part-time workers  
 17 for determining their weekly benefit amount and the wage credits  
 18 required to qualify such individuals for benefits. Such rules shall, with  
 19 respect to such individuals, supersede any inconsistent provisions of  
 20 this article; but, so far as practicable, shall secure results reasonably  
 21 equivalent to those provided in the analogous provisions of this article.

22 (b) An individual who is otherwise eligible for benefits may not  
 23 be considered ineligible because the individual:

24 (1) was a part-time worker; or

25 (2) is available for or is seeking part-time work as long as the  
 26 part-time work is for at least twenty (20) hours per week."

27 Page 44, delete lines 36 through 42 begin a new paragraph and  
 28 insert:

29 "SECTION 32. IC 22-4-14-3, AS AMENDED BY P.L.108-2006,  
 30 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2009]: Sec. 3. (a) An individual who is receiving benefits as  
 32 determined under IC 22-4-15-1(c)(8) may restrict the individual's  
 33 availability because of the individual's need to address:

34 (1) the physical, psychological, or legal effects of being a victim  
 35 of domestic or family violence (as defined in IC 31-9-2-42); or

36 (2) matters that qualify as compelling family reasons for leave  
 37 under the federal Family Medical Leave Act of 1993 (29  
 38 U.S.C. 2601 et seq.)."

39 Page 45, line 17, after "secure" insert "**part-time or**".

40 Page 45, line 28, delete "." and insert "**if the individual is not a**  
 41 **part-time worker**".

42 Page 50, line 37, after "work" insert ", **or in the case of a part-time**

- 1 **worker, part-time work,".**
- 2     Renumber all SECTIONS consecutively.  
   (Reference is to EH 1379 as printed March 20, 2009.)

---

Senator BRODEN